

OFFICIAL COPY

Fresno, California

August 28, 2001

The City Council met in joint session with the Redevelopment Agency at the hour of 8:30 a.m., and thereafter in regular session, in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting Council President
	Henry Perea	Council President

Dan Hobbs, City Manager  
Dan Fitzpatrick, Agency Executive Director  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Joseph Thorton, Liberty Christian Fellowship Church, gave the invocation, and a moment of silence was called for and observed in memory of Fresno County Deputy Sheriff Erik Telen.

Harlan Kelly led the Pledge of Allegiance to the Flag.

PROCLAMATION OF FRESNO HIGH SCHOOL CLASS OF 1951 DAY - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF DOWNTOWN FINE ARTS AND WINE FESTIVAL DAY - ACTING PRESIDENT  
RONQUILLO

The above proclamations were read and presented.

City Manager Hobbs introduced new Deputy City Manager Jerry Haynes.

PRESENTATION OF PLAQUES TO POLICE OFFICERS GREG NOLL AND STEVE MYERS BY THE STATE  
ALCOHOLIC BEVERAGE CONTROL

Presentation made.

*(NOT ON THE AGENDA)* PROCLAMATION OF AMERICAN HEART DAY

Read and presented.

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## APPROVE REDEVELOPMENT AGENCY MINUTES OF JULY 24 AND 31, 2001

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the Redevelopment Agency minutes of July 24 and 31, 2001, approved as submitted.

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(“A”) RECOMMENDED COUNCIL/AGENCY ACTIONS RELATING TO THE DEVELOPMENT OF LAVERA’S INFANT NURSERY AND DAY CARE SCHOOL PROJECT AT THE NORTHEASTERLY CORNER OF FRESNO AND “A” STREETS:

1. **JOINT RESOLUTION NO. 01-270/1583** - APPROVING THE RELOCATION PLAN FOR THE LAVERA’S INFANT NURSERY AND DAY CARE SCHOOL PROJECT
2. **JOINT RESOLUTION NO. 01-271/1584** - APPROVING THE DISPOSITION AND DEVELOPMENT/OWNER PARTICIPATION AGREEMENT (DDA) BETWEEN THE AGENCY AND LONZELL AND LAVERA WILLIAMS FOR DEVELOPMENT OF THE PROJECT, AND MAKING CERTAIN FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33433 AND 33445
3. AUTHORIZE THE EXECUTIVE DIRECTOR/DESIGNEE TO NEGOTIATE AND EXECUTE PURCHASE AGREEMENTS WITHIN THE PRICES PRESENTED, AND EXECUTE ANY OTHER DOCUMENTS NECESSARY TO CARRY OUT THE DDA INCLUDING, WITHOUT LIMITATION, DEED AND ESCROW INSTRUCTIONS
4. AUTHORIZE THE EXECUTIVE DIRECTOR/DESIGNEE, AFTER ASSEMBLING THE PROJECT SITE, TO CONVEY THE LAND TO THE WILLIAMS, SUBJECT TO THE PURCHASE PRICE, DEED RESTRICTIONS, AND OTHER TERMS CONTAINED IN THE DDA, AND EXECUTE THE DOCUMENTS NECESSARY FOR THE CONVEYANCE INCLUDING, WITHOUT LIMITATION, ESCROW INSTRUCTIONS AND DEEDS

Agency Director Fitzpatrick gave a brief overview of the issue as contained in the staff report and recommended approval.

Speaking in support of staff’s recommendation were: Harlan Kelly, 3378 W. Kearney Boulevard; Myser Keels, 1060 Jones Street, West Fresno Coalition; and Barbara Hunt, 944 “F” Street.

Acting President Ronquillo commended the Williams Family for their investment in the community and made a motion to approve staff’s recommendation.

Mr. Fitzpatrick responded to questions of Councilmember Calhoun relative to the Agency/City subsidy, fiscal impact, and the property being acquired including who would own it and if any of it would be available for other projects **(2 - 0)**. Councilmember Boyajian commended the Williams and stated he hoped successful projects like theirs would continue to happen to improve the inner-core adding if the City had to subsidize the project, “so be it”. Chair Duncan also spoke in support stating projects like this were critical and complimented Acting President Ronquillo for his leadership.

On motion of Acting President Ronquillo, seconded by Chair Duncan, duly carried, RESOLVED, the above entitled Joint Resolution No. 01-270/1583 hereby adopted; the above entitled Joint Resolution No. 01-271/1584 hereby adopted; the Executive Director/Designee authorized to negotiate and execute purchase agreements within the prices presented, and execute any other documents necessary to carry out the DDA including, without limitation, deed and escrow instructions; and the Executive Director/Designee, after assembling the project site, authorized to convey the land to the Williams, subject to the purchase price, deed restrictions, and other terms contained in the DDA, and execute the documents necessary for the conveyance including, without limitation, escrow instructions and deeds, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

**(“B”) JOINT RESOLUTION NO. 01-272/1585 - AUTHORIZING THE EXECUTIVE DIRECTOR OR REDEVELOPMENT ADMINISTRATOR TO TRANSFER REAL PROPERTY UNDERLYING CAPITOL STREET TO THE CITY OF FRESNO**

Briefly reviewed by Acting President Ronquillo. Councilmember Quintero briefly left the meeting at 9:26 a.m.

On motion of Chair Duncan, seconded by President Perea, duly carried, RESOLVED, the above entitled Joint Resolution No. 01-272/1585 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Ronquillo, Duncan
Noes	:	None
Absent	:	Quintero

**(“C”) CONSIDER THE ANNUAL REPORT FROM THE HOUSING AUTHORITIES OF THE COMMUNITY HOUSING PARTNERSHIP PROGRAM FUNDED BY THE REDEVELOPMENT AGENCY**

**1. APPROVE AMENDMENT NO. 2 TO THE AGENCY CONTRACT WITH THE HOUSING AUTHORITIES TO INCREASE THE MINOR REHABILITATION GRANT BY \$1,500, AUGMENT SERVICE AREAS, AND AUGMENT PROGRAMS AND SERVICES TO INCLUDE ELIGIBLE SMART PROGRAM ACTIVITIES**

Director Fitzpatrick gave an overview of the issue stating the program had been very successful beyond expectations in its first year. Councilmember Quintero returned to the meeting at 9:28 a.m. Mr. Fitzpatrick continued and advised of staff’s recommendations to increase the minor rehabilitation grant amount from \$5,000 to \$6,500, augment service areas to include low income home owners who reside within CDBG areas and are contiguous with established target areas, and to augment programs and services to include eligible SMART activities, and advised, upon a previous question by Councilmember Calhoun, that the program could be extended to the Pinedale and Highway City communities upon Council approval and explained.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Councilmember Calhoun expressed his concern with augmenting service areas noting he wanted to insure severely impacted areas in his district, and all needy areas, were addressed first adding he also felt the issue of augmenting areas needed to be looked into and discussed further, and made a motion to approve staff’s recommendation, as amended, to delete the language “*augments Service Areas*” in staff recommendation #3.

Discussion ensued on the issue of augmenting areas including how target areas and funding would be impacted, the need to utilize the funds by law, and if there was a process for other areas to become part of the program, with Mr. Fitzpatrick responding to questions. Upon call, Councilmember Calhoun's motion died for lack of a second.

Councilmember Castillo made a motion to approve staff's recommendation which was acted upon after additional discussion.

Councilmember Boyajian spoke in support of the program and presented questions at length relative to the program, HOME funds, allowing non-qualifying home owners to participate, funding and leveraging dollars, other housing programs, eminent domain, reason for grants v. loans, and if there was need for improvement, with Housing Authority Executive Director Stacy responding to questions. HNR Manager Bowness responded to questions of Councilmember Quintero relative to how boundary expansions and HOME funds affected the program. Councilmember Calhoun stated he still felt it was unwise to expand the service areas at this time and that Council needed to get a better position on the funding, facts and figures.

On motion of Councilmember Castillo, seconded by President Perea, duly carried, RESOLVED, the Annual Report on the Community Housing Partnership Program submitted by the Housing Authority accepted; the amendment to the Agency contract with the City and Housing Authority to increase the minor rehabilitation grant amount from \$5,000 to \$6,500 approved, and Amendment No. 2 to the Agency contract with the Housing Authority which increases the Minor Rehabilitation and Weatherization Program grant by \$1,500, augments Service Areas, and augments Programs and Services to include eligible SMART Program Activities hereby approved, by the following vote:

Ayes	:	Boyajian, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	Calhoun
Absent	:	None

**(“D”) DIRECT STAFF TO PREPARE AN AMENDMENT TO THE HEALTH AND WELFARE TRUST AGREEMENT TO INCLUDE MEMBERS OF THE REDEVELOPMENT AGENCY AS PART OF THE HEALTH AND WELFARE TRUST - PRESIDENT PEREA**

Briefly reviewed by President Perea who stated the intent was to treat Agency employees the same as City employees and made a motion to direct staff as outlined. Acting President Ronquillo left the meeting at 10:07 a.m. and returned later. Director Fitzpatrick thanked President Perea and spoke briefly in support of the issue.

Barbara Hunt, 944 “F” Street, spoke to the issue **(3 - 0)**.

On motion of President Perea, seconded by Chair Duncan, duly carried, RESOLVED, staff directed to prepare an amendment to the Health and Welfare Trust agreement to include members of the Redevelopment Agency as part of the Health and Welfare Trust, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Duncan
Noes	:	None
Absent	:	Ronquillo

UNSCHEDULED AGENCY ORAL COMMUNICATIONS

APPEARANCE BY BARBARA HUNT, 944 "F" STREET, REGARDING AGENCY PROJECTS

Appearance made.

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The joint bodies adjourned their meeting and the City Council convened in regular session at 10:13 a.m.

APPROVE CITY COUNCIL MINUTES OF AUGUST 21, 2001

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the minutes of August 21, 2001, approved as submitted.

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**APPROVE AGENDA:**

**(11:30 A.M.) HEARING ON REZONING APPLICATION NO. R-01-032 AND RELATED ENVIRONMENTAL FINDINGS, FILED BY CAMBRIDGE HOMES, PROPERTY LOCATED ON THE NORTH SIDE OF W. PALO ALTO BETWEEN N. POLK AND N. MILBURN AVENUES (COUNCIL DISTRICT 2)**

City Clerk Klisch advised related actions, which were inadvertently left off the agenda listing but included in the staff report, included adoption of the negative declaration and an ordinance bill amending the official zone map. So noted and added.

**(2:00 P.M. #3) CLOSED SESSION - ANTICIPATED LITIGATION:**

**(“B”) CASE NAME: CITY OF FRESNO V. GARFIELD PARK HIGHLANDS, L.P., PR FARMS, ET AL (SUGAR PINE TRAIL)**

City Clerk Klisch advised the above matter should have been listed under “A”, Existing Litigation. So noted.

**(1A-2) \* RESOLUTION - AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND AND APPROVING PROMISSORY NOTE FROM THE FRESNO JOINT POWERS FINANCING AUTHORITY**

City Clerk Klisch advised the above matter should have contained and listed two (2) resolutions. City Attorney Montoy advised since the promissory note resolution was completely lacking it could not just be added for action this date whereupon the item was removed from the agenda and rescheduled for September 18, 2001.

**(9:30 A.M.) HOUSING STUDY SESSION**

Councilmember Duncan noted the intent of the issue was to establish a housing strategy and made a motion to table the matter for 90 days to allow staff to return with a recommendation on how to develop such a strategy, which motion was seconded by Councilmember Calhoun.

Councilmember Boyajian stated Council made city policies and recommended a Council committee be formed, which he would chair, to establish a policy based on Council's priorities and what Council wanted to see happen. Councilmember Calhoun stated he felt Council needed to step back and get educated on the issue and noted he wanted to see a recommendation from staff first wherein Council would then make the ultimate policy decision, and added he felt 90 days was too long and suggested 30 days. Councilmember Quintero requested all the different housing programs be included the report and noting the recommendation for a new Council committee and the numerous Council committees already established questioned if the Charter was being violated in any way, with City Attorney Montoy advising the Charter did not prohibit Council committees.

President Perea stated Councilmember Boyajian would work with staff on the report and requested Councilmembers to send tray memos to staff on what they wanted to see.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Housing Study Session tabled 90 days and Councilmember Boyajian, Chair, and Councilmember Duncan (\*\*who was subsequently added) appointed as the Council Housing Committee to work with staff to develop a housing strategy and report back in 90 days, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

City Manager Hobbs stated he supported the Council Committee and advised he would be providing some radical suggestions with the objective being housing ownership, not rentals, and added staff may require more than 90 days but would report back on the status within that time if necessary.

### **(2:00 P.M. #3) CLOSED SESSION**

**(“C”)** ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE OF LITIGATION: CITY OF FRESNO V. CITY OF CLOVIS

At the request of Councilmember Duncan and by Council consensus closed session items to be heard at 2:00 pm. with the above matter to be heard first.

### **(9:30 A.M.) HOUSING STUDY SESSION (*CONTINUED FROM EARLIER*)**

\*\* Councilmember Boyajian questioned if another member should serve with him on the committee whereupon Councilmember Duncan accepted the appointment.

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled **AGENDA** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**CONSIDER ADOPTION OF CONSENT CALENDAR:**

**(1A-8) APPROVE AGREEMENT WITH TREE FRESNO FOR LANDSCAPE MAINTENANCE SERVICES**

At the request of Councilmember Quintero and with staff and Council consensus the above matter was laid over to September 18, 2001.

**ADOPT CONSENT CALENDAR:**

**(1A-1) APPROVE LOCAL COOPERATION AGREEMENT BETWEEN THE INDIAN HOUSING AUTHORITY OF CENTRAL CALIFORNIA AND THE CITY IN CONNECTION WITH THE PAYMENT OF PROPERTY TAXES**

**(1A-3) AWARD A CONTRACT TO ELECTRIC MOTOR SHOP IN THE AMOUNT OF \$75,967.50 TO FURNISH AND INSTALL VAN NESS STREET LIGHTS FROM HARVARD TO SHIELDS AVENUES**

**(1A-4) CONSIDER THE PROPOSED TEAGUE-WILLOW NO. 4 REORGANIZATION FOR DETACHMENT FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF SAME TO THE CITY OF FRESNO**

**a.** ACCEPTING THE FINDING OF THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-00-12, R-00-31, TT-4868 THAT THE REORGANIZATION WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT UPON THE ENVIRONMENT AS PREVIOUSLY ADOPTED BY COUNCIL ON DECEMBER 19, 2000

**b. RESOLUTION NO. 01-273 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED TEAGUE-WILLOW NO. 4 REORGANIZATION**

**(1A-7) APPROVE THE LICENSE AGREEMENT WITH TREE FRESNO AND A SPONSOR IN AN EXPANDED EFFORT TO ENHANCE AND SPEED BEAUTIFICATION EFFORTS IN THE CITY; AND AUTHORIZE THE PARKS AND RECREATION DIRECTOR/DESIGNEE TO EXECUTE ALL DOCUMENTS WHICH MAY BE NECESSARY FOR THE EXECUTION AND ADMINISTRATION OF THE AGREEMENT**

**(1A-9) APPROVE AIRPORT TRAVEL AGENCY LEASE AND CONCESSION AGREEMENT WITH MUNDO TRAVEL CORPORATION AT FRESNO YOSEMITE INTERNATIONAL AIRPORT; AND AUTHORIZE AND DIRECT THE DIRECTOR OF TRANSPORTATION TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID AGREEMENT**

**(1A-10) APPROVE LEASE ADDENDUM NO. 1 TO THE CARGO BUILDING LEASE AND AGREEMENT WITH AMERICAN AIRLINES; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE ADDENDUM ON BEHALF OF THE CITY**

**(1A-12) REJECT THE SINGLE BID RECEIVED TO UPGRADE TRAFFIC SIGNAL PHASING AT TULARE AND VAN NESS AVENUES SINCE IT EXCEEDED THE BUDGET ALLOCATION BY 22% AND THE BIDDER TOOK EXCEPTION TO THE TIME OF COMPLETION (DUE TO URGENCY, CITY FORCES TO PERFORM THE MODIFICATION AND HAVE OPERATIONAL BY SEPTEMBER 15, 2001)**

**(1A-13)** REAFFIRM AUTHORIZATION TO PURCHASE PROPERTY AT 1615 EL DORADO FOR USE BY THE SOLID WASTE DIVISION, AND AUTHORIZE THE INTERIM DIRECTOR OF PUBLIC UTILITIES/DESIGNEE TO SIGN THE PURCHASE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY TO CONCLUDE THE ESCROW

**(1A-16) \* RESOLUTION NO. 01-274 - 12<sup>TH</sup>** AMENDMENT TO AAR 01-200 APPROPRIATING \$97,000 TO COMPLETE FUNDING FOR THE FEDERAL COURTHOUSE UTILITY RELOCATION

**a.** AWARD A CONTRACT FOR THE BASE BID PLUS ADD-ALTERNATE 1 (PVC PIPE) AS THE LOWEST COMBINATION OF THE BASE BID AND EITHER ADD-ALTERNATE, TO GEORGE DAKOVICH & SON, INC., IN THE AMOUNT OF \$495,815 FOR THE FEDERAL COURTHOUSE UTILITY RELOCATION

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

President Perea advised the contested consent calendar items would be heard at 3:00 p.m.

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**(10:20 A.M.)** HEARING ON REZONING APPLICATION NO. R-01-021 AND RELATED ENVIRONMENTAL FINDINGS, FILED BY THE OWENSBY FAMILY LIMITED PARTNERSHIP, PROPERTY LOCATED ON THE NORTH SIDE OF W. HERNDON BETWEEN N. MARKS AND N. VALENTINE (COUNCIL DISTRICT 2)

**1.** CONSIDER AND ADOPT NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-01-021, DATED JUNE 20, 2001

**2. BILL NO. B-69 - ORDINANCE NO. 01-63 -** AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-B/EA/UGM TO R-2/EA/UGM AND C-P/EA/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing. Acting President Ronquillo left the meeting at 10:34 a.m. and returned later. Planning Manager Beach reviewed the issue as contained in the staff report and advised this was the second step of a long process the property would have to go through to achieve compatibility.

Speaking to the issue were: Barbara Hunt, 944 "F" Street; Joni Johnson, Bullard Area Homeowners Association, who requested (1) the association be allowed to work with staff on their concerns, (2) a road north of Herndon, and (3) a traffic study; and Eric Wilkens, representing the Owensby Family Trust, P.O. Box 455, Coarsegold, who addressed the traffic issue and requested Council's support.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Calhoun made a motion to approve staff's recommendation and direct staff to meet with neighbors on their concerns prior to processing the project, which motion was seconded and acted upon after brief discussion.



President Perea stated his concern was Fresno Unified's position that there was not sufficient capacity in the school system to serve the proposed development and noted nothing was on the horizon for a new school stated he would not support the project, with Mr. Beach and Councilmember Calhoun responding.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. R-01-021 hereby approved; the above entitled Bill No. B-69 rezoning the subject property adopted as Ordinance No. 01-63; and staff directed to continue to work with area residents on their concerns, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero
Noes	:	Perea
Absent	:	Ronquillo

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**(10:30 A.M.) HEARING ON REZONING APPLICATION NO. R-01-022 AND RELATED ENVIRONMENTAL FINDINGS FILED BY CAROL GENTSCH, PROPERTY LOCATED ON THE NORTH SIDE OF E. SHIELDS BETWEEN N. COLLEGE AND N. DEL MAR AVENUES (COUNCIL DISTRICT 7)**

**1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-01-022, DATED JUNE 20, 2001**

**2. BILL NO. B-70 - ORDINANCE NO. 01-64 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 TO R-P**

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach gave a brief overview of the staff report as submitted, recommended approval, and upon question of Councilmember Boyajian advised a small mixed-use development was being proposed for the site.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of President Perea, seconded by Councilmember Castillo, duly carried, RESOLVED, the Categorical Exemption issued for Environmental Assessment No. R-01-022 hereby approved; and the above entitled Bill No. B-70 adopted as Ordinance No. 01-64, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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**(10:35 A.M.) HEARING ON REZONING APPLICATION NO. R-01-023 AND RELATED ENVIRONMENTAL FINDINGS, FILED BY VINCENT PALACIOS, PROPERTY LOCATED ON THE WEST SIDE OF N. VAN NESS BETWEEN E. NEVADA AND E. DIVISADERO AVENUE (COUNCIL DISTRICT 3)**

**1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-01-023, DATED JUNE 20, 2001**

**2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-5 TO R-1**

President Perea announced the time had arrived to consider the issue and opened the hearing. Acting President Ronquillo returned to the meeting at 10:51 a.m. Planning Manager Beach reviewed the issue and the staff report as submitted, advised there were concerns that the property might generate interest in the future as a group home, stated staff supported the rezoning request, and upon question of Acting President Ronquillo stated Council could not preclude a group home as a future use and explained. Acting President Ronquillo spoke in opposition to staff's recommendation due to the five bedrooms being proposed and the neighborhood's concerns on fence height and consistency **(4 - 0)**.

Councilmember Duncan stated this would be a private investment into an area that needed housing and he felt this was a logical approval to create new investment and an improved living area, with Acting President Ronquillo responding and commenting on the neighborhood's concerns and on how the area was evolving. Discussion ensued and Mr. Beach and City Attorney Montoy responded to questions of Councilmembers Duncan, Castillo and Calhoun relative to what would happen to the property if the project were not approved, how the project could legally be denied, past and proposed bedroom sizes, a pending lawsuit from an apartment complex and if issues were similar here, and the project meeting all zoning requirements. Councilmember Calhoun made a motion to approve staff's recommendation which was seconded by Councilmember Duncan who stated it was important to place all proper objections on record to protect the City and to do the right thing. Acting President Ronquillo clarified the committee wanted consistency and was not just "picking" on this one home and elaborated.

Upon call, no one wished to be heard and President Perea closed the hearing.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to approve the Categorical Exemption and adopt the above entitled Bill amending the official zone map failed, by the following vote:

Ayes	:	Calhoun, Duncan, Perea
Noes	:	Boyajian, Castillo, Quintero, Ronquillo
Absent	:	None

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**(10:45 A.M.) HEARING ON REZONING APPLICATION NO. R-01-026 AND RELATED ENVIRONMENTAL FINDINGS, FILED BY KIRK KERKOKHIAN, PROPERTY LOCATED AT 7443 N. MAPLE AVENUE (COUNCIL DISTRICT 6)**

**1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-01-026, DATED JULY 12, 2001**

**2. BILL NO. B-71 - ORDINANCE NO. 01-65 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-P/UGM/CZ TO R-/UGM**

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Duncan gave a brief overview stating the subject property had been designated for office use for quite a while and that action this date would clarify a prior action of 1988 which imposed very strict conditions for specific reasons which were now long gone, and stated this was a very nice project and made a motion to approve staff's recommendation, which motion was seconded and acted upon after discussion.

Athena Bell, 7544 N. Trellis Circle, spoke in opposition.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Planner Dilbeck and Development Director Yovino responded to questions of Councilmembers Ronquillo, Castillo, Boyajian and President Perea relative to opposition, if any, at past meetings, difference in zoning, why homes were not being proposed, what the prior conditions were, if homeowners were informed of the zoning and intended use back in 1988, schools, traffic signals, the proposed development, property to the south, need to look at homes in light of the general plan, and why additional office space was necessary when there was already so much available.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the Categorical Exemption for Environmental Assessment No. R-01-026 hereby approved; and the above entitled Bill No. B-71 adopted as Ordinance No. 01-65, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero
Noes	:	Castillo, Ronquillo, Perea
Absent	:	None

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**(3A) ACCEPT FINAL REPORT OF THE BLUE RIBBON COMMISSION ON REFORMATION OF COMPETITIVE BIDDING OF PUBLIC CONSTRUCTION PROJECTS AND DIRECT STAFF TO PREPARE DOCUMENTS NECESSARY FOR AMENDING THE FRESNO CHARTER AND MUNICIPAL CODE**

Assistant City Manager Souza advised staff had reviewed the report and was in agreement.

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, the final report of the Blue Ribbon Commission on Reformation of Competitive Bidding of Public Construction Projects hereby accepted, and staff directed to prepare documents necessary to amend the Charter and Fresno Municipal Code, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**RECESS - 11:27 A.M. - 11:35 A.M.**

**(11:30 A.M.) HEARING ON REZONING APPLICATION NO. R-01-032 AND RELATED ENVIRONMENTAL FINDINGS, FILED BY CAMBRIDGE HOMES, PROPERTY LOCATED ON THE NORTH SIDE OF W. PALO ALTO BETWEEN N. POLK AND N. MILBURN AVENUES (COUNCIL DISTRICT 2)**

**1. CONSIDER AND ADOPT NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-4933, R-01-032**

**2. BILL NO. B-72 - ORDINANCE NO. 01-66 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/EA/UGM TO R-1**

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Lewis briefly reviewed the staff report as submitted.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. T-4933, R-01-032 hereby approved, and the above entitled Bill No. B-72 approving Rezoning Application No. R-01-032 to rezone the subject property to become effective for any portion of the site for which a final map of Vesting Tentative Tract No. 4933 is recorded adopted as Ordinance No. 01-66, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(3B) RESOLUTION - 16<sup>TH</sup> EXPANSION OF THE FRESNO ENTERPRISE ZONE ADDING 46.30 ACRES FOR E & J GALLO WINERY, INC. IN THE PROXIMITY OF OLIVE AND BELMONT AVENUES - 5610 E. OLIVE AVENUE (CONSIDERED AGAIN LATER IN THE MEETING)**

A motion and second was made to adopt the resolution.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Economic Development Coordinator Burkhart advised 156.8 acres remained and there were nine requests for expansions with each having their own needs and merit and clarified reasons for staff’s recommendation to approve the request. Upon question, Mr. Burkhart advised Gallo representatives planned to be present after the lunch recess whereupon the matter was continued to the afternoon session.

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**(11:45 A.M.) HEARING ON REZONING APPLICATION NO. R-01-011 AND RELATED ENVIRONMENTAL FINDINGS, FILED BY CENTEX HOMES, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. SOMERVILLE DRIVE AND E. SHEA AVENUE (COUNCIL DISTRICT 6)**

**1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-01-011, DATED JULY 23, 2001**

**2. BILL NO. B-73 - ORDINANCE NO. 01-67 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO R-1/UGM/CZ**

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Rodriguez briefly reviewed the staff report as submitted and recommended approval.

Speaking to the issue were: Barbara Hunt, 944 “F” Street; and Les Peterson, representing Centex Homes, who requested approval.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. R-01-011 hereby approved, and the above entitled Bill No. B-73 adopted as Ordinance No. 01-67, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

**(5A) REQUEST APPROPRIATE ELECTED OFFICIAL/STAFF FROM THE CITY AND FRESNO COUNTY MEET WITH MADERA COUNTY ELECTED OFFICIALS/STAFF TO DISCUSS JOINT DEVELOPMENT PLANNING ISSUES - COUNCILMEMBER CALHOUN**

Briefly reviewed by Councilmember Calhoun who stated Madera's development would affect Fresno and noted the general plan process showed the various entities could work cooperatively **(5 - 0)**, stated the need to work cooperatively had been talked about many times and this was nothing new, and made a motion to approve his request as outlined, which motion was seconded and later acted upon. Brief discussion ensued on support for the issue and on who would initiate the invitation and coordinate the process. Councilmember Duncan stated he would serve with Councilmember Calhoun and City Manager Hobbs stated his office would conduct the preliminary ground work. President Perea requested the fire service issue with Madera be looked at.

Barbara Hunt, 944 "F" Street, spoke to the issue.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, appropriate elected officials and staff from the City and County of Fresno requested to meet with Madera County elected officials and staff to discuss joint development planning issues, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

**(5B) COUNCIL APPOINTMENT TO THE HEALTH AND WELFARE TRUST - PRESIDENT PEREA**

President Perea gave a brief overview and Assistant City Manager Souza recommended staff return on September 25<sup>th</sup> with an overall presentation and analysis on the status of the Trust stating there were some very large issues looming which may have an effect on decisions Council would be making on the appointee. President Perea questioned if someone outside of the City structure could be considered for appointment with City Attorney Montoy advising the only restriction in the agreement prohibited Council from appointing an employee representative. By Council consensus the matter was scheduled for September 25, 2001.

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**(5C) MODIFY THE TOWER DISTRICT COMMERCIAL LIGHTING AND SAFETY PROGRAM TO ALLOW THE USE OF \$12,700 IN CDBG FUNDS AS A GRANT TO FRESNO UNIFIED SCHOOL DISTRICT TO PARTIALLY FUND INSTALLATION OF OUTDOOR LIGHTING OF THE FRESNO HIGH SCHOOL FOOTBALL AND TRACK FIELD**

**1. AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A CDBG FUNDING AGREEMENT FOR COMPLETION OF THIS PROJECT WHICH WILL INCLUDE EXTENDED NEIGHBORHOOD USAGE OF THE FIELD SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY - COUNCILMEMBER BOYAJIAN AND ACTING PRESIDENT RONQUILLO**

Reviewed by Councilmember Boyajian who stated lighting of the field would be a win-win situation for the Fresno High area and the community, advised due to a collaborative effort the \$30,000+ project had already been reduced to \$12,700 and explained, and urged Council's support stating this would also reduce vandalism and graffiti. Brief discussion ensued on the matter being subject to Fresno Unified agreeing to neighborhood use of the facility, the funding source, if the granting CDBG funds to FUSD was a problem, and the intent being to make the school facility into a park.

Barbara Hunt, 944 "F" Street, spoke in support.

Acting President Ronquillo complimented Councilmember Boyajian stating this was a good way to get much needed additional green space and added he hoped to do something similar at Edison. Councilmember Calhoun expressed concern with the granting of CDBG funds to a school with Ms. Montoy clarifying the purpose would be a joint use by the City and FUSD for a park-type facility. Acting President Ronquillo added CDBG funds could be used for anything in impoverished areas.

On motion of Councilmember Boyajian, seconded by Acting President Ronquillo, duly carried, **RESOLVED**, the Tower District Commercial Lighting and Safety Program modified to allow the use of \$12,700 in CDBG funds as a grant to the Fresno Unified School District to partially fund installation of outdoor lighting of the Fresno High School football and track field, and the City Manager authorized to negotiate and enter into a CDBG funding agreement, subject to prior approval as to form by the City Attorney, for completion of the project which will include extended neighborhood usage of the field, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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Councilmember Duncan briefly commented on and expressed concern with the Fresno Sanitary Landfill being designated a historic landmark and the designation subsequently being retracted stating that was careless and not the kind of publicity Fresno wanted or needed.

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT, 944 "F" STREET, REGARDING HEALTH AND WELFARE PENSION FUNDS

Appearance made.

- - - -

**LUNCH RECESS - 12:15 P.M. - 2:00 P.M.**

**(2:00 P.M. #3) CLOSED SESSION:**

**(“C”)** ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE OF LITIGATION: CITY OF FRESNO V. CITY OF CLOVIS

**(“A-1”)** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: BENJAMIN JONES AND ANGIL P. MORRIS V. CITY OF FRESNO, ET AL.

**(“B-1”)** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - CASE NAME: CLAIMS OF BARBARA HUNT (6 CLAIMS)

The Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above issues and reconvened in regular open session at 2:46 p.m. (Council reconvened in closed session at the end of the meeting to consider the remaining matters.)

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**(2:30 P.M.)** REPORT BY SANTIAGO WOOD, SUPERINTENDENT OF SCHOOLS, REGARDING FRESNO UNIFIED SCHOOL DISTRICT'S TRUANCY PLAN - COUNCILMEMBER DUNCAN

Dr. Wood introduced Board Members in attendance, commented briefly on the issue and advised the Board had not taken an official position on the juvenile accountability ordinance and explained, along with Dr. Carol Blosser and his staff presented the District's truancy plan **(6 - 0)**, and concluded the presentation stating Council's continued support and involvement was needed and thanked Council again for their partnership and dedication.

Speaking to the issue were: Gloria Torrez, 2600 Fresno Street, who spoke to the need for improved transit service and elimination of the *fare increase* for both students and the community; and Susan Bechara, House of Hope for Youth, who commented on the need for additional resources to address the truancy problem and assist the school district.

Council commended Dr. Wood and staff on the comprehensive plan and lengthy discussion ensued with Dr. Wood, his staff and Ms. Bechara responding to questions and/or comments of Councilmembers Duncan, Ronquillo, Castillo and Quintero and/or clarifying issues relative to the plan, when the board would be considering the juvenile accountability ordinance, how the City could help, goals/targets set at schools, the transit situation being a major concern for the school district and the need to collaborate on free transportation for students, delinquency and the OSIS process, need for more collaboration on after-school programs **(7 - 0)**, and the success of the Hanoian's center truancy program and if the plan included anything similar.

President Perea thanked Dr. Wood, his staff, Mayor Autry and Chief Dyer, stated partnerships were needed to develop schools as park sites, advised he supported holding students responsible but had a hard time with punitive measures, and stated punishing kids and parents was not the answer and the reasons why kids were acting out needed to be determined and dealt with. There was no further discussion.

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**(2:15 P.M.) APPEARANCE BY LOCAL LEGISLATORS IN SUPPORT OF THE CALPINE CONTRACT - COUNCILMEMBER DUNCAN**

Councilmember Duncan gave a brief overview of the matter and read and submitted into the record letters of support from Assemblyman Briggs and Senator Costa.

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**(3:30 P.M.) REQUEST COUNCIL OF FRESNO COUNTY GOVERNMENTS (COG) TO STUDY THE FEASIBILITY OF AN ON-RAMP AND OFF-RAMP ON STATE ROUTE 41 TO SERVICE THE WOODWARD BLUFFS MOBILE HOME PARK - COUNCILMEMBER DUNCAN**

Reviewed by Councilmember Duncan who stated access for the mobile home park and emergency needs were at issue and made a motion to approve his request as outlined above, which motion was seconded by Councilmember Quintero.

Speaking in support of the issue were: Darrel Oblander, 9360 N. Blackstone; Marge Hinkley, 9360 N. Blackstone; Dave Hutchson, 9360 N. Blackstone; Charlie Clouse, Cobb Ranch Blvd., Madera; and Jim Cobb, Cobb Ranch Blvd., Madera.

Councilmember Calhoun expressed concern stating he thought this issue had been "put to rest" after past discussions and studies and he was troubled that this was before Council again, and spoke in opposition to the motion stating he wanted a report from staff and Caltrans first. Acting President Ronquillo clarified the underlying issue before was access for future development in the river bottom which outweighed the safety issue for the mobile home park and added Madera needed to be encouraged to provide safe access and explained. Councilmember Duncan clarified he was only asking for COG to study the situation which would not cost the City anything and stressed the issue was before Council because people were very concerned with safety and afraid.



Lengthy discussion ensued with City Attorney Montoy, Public Works Director Williamson, Acting President Ronquillo, Ms. Hinkley and an unidentified Fire Department representative responding to Council questions/comments and/or clarifying issues relative to what exactly was presented to Council before, if this was a feasible request and if a report should be submitted by staff first, if the matter had been presented to COG, need to give direction to Acting President Ronquillo as the COG representative to request a study, need to obtain all background information since this matter came to Council before, **(8 - 0)** deaths being the reason for the request and re-clarification that only a study was being requested, background of the issue, cost for ramps and funding source, need for a report from staff first to prevent giving false hope, the crash gate and current access, difficulties with an emergency off-ramp, need for an electronic/remote gate, cost for such a gate, and other options. A motion and second was made to table the matter to September 25<sup>th</sup> for a report from staff before requesting a formal study and brief discussion ensued.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the matter tabled to September 25, 2001, and staff directed to provide a report including all background information, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Ronquillo, Perea
Noes	:	Duncan, Quintero
Absent	:	None

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**(4:00 P.M.) HEARING TO CONSIDER SUPPORT FOR AB 911 BANNING THE USE OF (\*HAND-HELD) CELL PHONES WHILE DRIVING - COUNCILMEMBER CALHOUN**

**1. RESOLUTION - IN SUPPORT OF AB 911 PROPOSING TO BAN THE USE OF (\*HAND-HELD) CELLULAR TELEPHONES WHILE DRIVING**

A motion and second was made to adopt the resolution. President Perea clarified hands-free devices would be allowed and this would not ban cell phones, \*and requested the title be amended to reflect that, which was accepted by Councilmember Calhoun who stated talking with hand-held phones was dangerous and hands-free devices would minimize risks and elaborated.

Speaking in opposition to the resolution were: Cathy Muller representing Sprint; and Gina Perneti, 2729 Prospect Park Drive, representing AT&T Wireless.

Councilmember Duncan stated New York was wrong to pass such a bill, questioned if the motion-maker would be willing to amend the motion to include other distractions (and named them) stating they were equal if not more severe than using a cell phone, noted no problems had been reported by the police department and there was no outcry from the public to support this type of legislation, stated this was one place government should not stick its nose into and commented on the issue of personal responsibility, and strongly urged Council to not support the motion stating it would not solve anything. Councilmember Castillo also spoke briefly in opposition.

A motion of Councilmember Calhoun, seconded by President Perea, to adopt the above entitled Resolution supporting AB 911 proposing to ban the use of hand-held cellular telephones while driving failed, by the following vote:

Ayes : Calhoun, Perea  
Noes : Boyajian, Castillo, Duncan, Quintero, Ronquillo  
Absent : None

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**(3B) RESOLUTION - 16<sup>TH</sup> EXPANSION OF THE FRESNO ENTERPRISE ZONE ADDING 46.30 ACRES FOR E & J GALLO WINERY, INC. IN THE PROXIMITY OF OLIVE AND BELMONT AVENUES - 5610 E. OLIVE AVENUE (*CONTINUED FROM EARLIER IN THE MEETING*)**

President Perea noted a motion and second was already on the floor to adopt the resolution.

Gallo representatives Alan Doty and Gary Schmidt explained their operation, expansion plans, and how being included in the EZ would help them.

Economic Development Coordinator Burkhardt, Mr. Doty and Mr. Schmidt responded to questions and/or comments of Acting President Ronquillo and Councilmember Boyajian relative to enterprise limitations, acreage left, disproportionate amount being requested and if it could be reduced, need to be aware of remaining enterprise, when the State would be considering any new enterprise allocations, 10 jobs not being enough for the investment, and need to look at other criteria and encourage more jobs.

Councilmember Duncan thanked Gallo for being in Fresno and for being great corporate citizens, spoke in support of the issue emphasizing this was one of the largest corporations in the world who wanted to expand and invest millions of dollars in Fresno, and stressed a program was available to help them **(9 - 0)** and the city should do all it could to help make them successful adding this was what enterprise acres were for. Councilmember Castillo commented on the need to compare the ratio of jobs to the amount of land being requested and suggested further consideration to possibly condense the amount of land.

Mr. Burkhardt responded to questions of President Perea relative to whether staff had carried out prior Council direction and established a policy, need for a more aggressive policy, lack of a nexus to show a good return, if the amount being requested was fit for the future, and if 46.3 acres was Gallo's best estimate and exact amount needed this date, with Mr. Doty stating 25 acres would accommodate their current needs on the table. President Perea stated the best thing might be to allocate 25 acres this date with a commitment to work diligently to create a policy and work with Gallo on the remainder needed.

Mr. Burkhardt commented on how the acreage amount was tied to the request and at his recommendation and with Council consensus the matter was continued to later in the meeting to allow Mr. Burkhardt to return with numbers on actual parcels to calculate the acreage.

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**(4:45 P.M.) ESTABLISH RATES OF FARE TO BE CHARGED BY TAXICABS IN THE CITY AND PROVIDE DIRECTION TO STAFF REGARDING TAXICAB FARE AND REVISIONS TO THE TAXICAB ORDINANCE 1. RESOLUTION - ESTABLISHING RATES OF FARE TO BE CHARGED BY TAXICABS IN THE CITY OF FRESNO (*ACTION RECONSIDERED LATER IN THE MEETING*)**

Interim Controller Quinto gave a brief overview stating the issue came forth at the request of the taxicab industry and the recommended rates were being proposed by local industry representatives, and stated staff did meet with the industry in formulating the recommendations presented this date. Councilmember Castillo briefly left the meeting at 5:36 p.m.

Speaking to the issue were: Bob Robinson, 834 W. Garland, who questioned why rates were regulated and spoke in opposition to a cap; and Khosrow Moshrefi, who spoke in support of the increases and clarified why rates were regulated.

Councilmember Duncan spoke in support of the increases and made a motion to adopt the resolution, which was seconded and acted upon after discussion.

Revenue Supervisor Molina, Ms. Quinto and City Attorney Montoy responded to questions of Councilmembers Calhoun and Boyajian and/or clarified issues relative to why so much time was allowed to pass since the last increase, how staff would insure this would not happen again, amending the code to provide for staff to review the taxicab ordinance periodically, if a public hearing was needed on the rate increases (with Ms. Montoy advising this was the public hearing), and concern with impact on low-income citizens. Councilmember Boyajian stated he would have supported a gradual increase.

A motion of Councilmember Duncan, seconded by Acting President Ronquillo, to adopt the above resolution failed, by the following vote:

Ayes	:	Duncan, Ronquillo, Perea
Noes	:	Boyajian, Calhoun, Quintero
Absent	:	Castillo

President Perea advised the matter would be revisited later in the meeting with a full Council.

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**(3B) RESOLUTION - 16<sup>TH</sup> EXPANSION OF THE FRESNO ENTERPRISE ZONE ADDING 46.30 ACRES FOR E & J GALLO WINERY, INC. IN THE PROXIMITY OF OLIVE AND BELMONT AVENUES - 5610 E. OLIVE AVENUE, AS AMENDED, FOR 25 ACRES (*CONTINUED FROM EARLIER IN THE MEETING*)**

Economic Development Coordinator Burkhart advised the nature of the equipment configuration was difficult to determine this date without Gallo's surveys and recommended Council authorize up to 25 acres and staff would report back with the formal legal description.

On motion of Councilmember Quintero, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 01-275 hereby adopted, *as amended*, allocating 25 acres with a commitment to work with E & J Gallo Winery on the balance, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	Castillo

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## **CONTESTED CONSENT CALENDAR ITEMS:**

### **(1A-5) \* RESOLUTION NO. 01-276 - 13<sup>TH</sup> AMENDMENT TO AAR 01-200 TO INCREASE COUNCIL DISTRICT FUNDS OF \$590,400 BASED ON THE UNEXPENDED BALANCES IN FY 2001 INFRASTRUCTURE BUDGETS**

Councilmember Castillo returned to the meeting at 5:57 p.m. Councilmember Calhoun advised he was surprised to find out he was guilty of infrastructure dollars not being spent, stated the status of the funds was unclear to him and he was very concerned with the accounting procedure or lack thereof, stated the reports that accompany the “remaining balance” report were confusing and explained, and made a motion to request the city manager to direct staff to develop a better accounting and budget system for Council infrastructure budgets with a clear balance sheet and quarterly statement that provides the accurate balance and specific project charges occurring in the infrastructure budget, *and, if the monies were there*, to adopt the above resolution.

Councilmember Duncan seconded the motion and stated he had similar concerns, advised at this time he did not know which projects had been completed and he and his staff would now have to spend their own time trying to reconstruct projects, stated he was frustrated with the process that required Council to reinvent the wheel constantly, and stressed he wanted to see that commitments to expend the funds would be held to or at least communicated to by staff, with Budget Manager Bruney responding and explaining the process.

Discussion ensued with Mr. Bruney, Public Works Director Williamson and City Manager Hobbs responding to questions/comments and/or clarifying issues relative to encumbered funds, inability to expend all the funds in one year, if lack of manpower was the reason for carrying over funds, staff workloads, need to look into an additional street crew to keep up with the work load, outside contractors, and informals with Mr. Williamson advising an informal process with private contractors for smaller projects was already in place.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-276 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

### **(1A-6) \* RESOLUTION NO. 01-277 - 387<sup>TH</sup> AMENDMENT TO MFS RES. 80-420 AMENDING THE HOURLY RATES FOR CONTRACTED LAW ENFORCEMENT SERVICES**

Capt. Enmark responded to questions of Acting President Ronquillo relative to the current hourly rate, the requested 3% increase, if there was an accounting process for officer presence, and procedure for complaints.

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-277 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(4:45 P.M.)** ESTABLISH RATES OF FARE TO BE CHARGED BY TAXICABS IN THE CITY AND PROVIDE DIRECTION TO STAFF REGARDING TAXICAB FARES AND REVISIONS TO THE TAXICAB ORDINANCE  
**1. RESOLUTION NO. 01-278 - ESTABLISHING RATES OF FARE TO BE CHARGED BY TAXICABS IN THE CITY OF FRESNO (CONTINUED FROM EARLIER)**

**(10 - 0)** Upon question of President Perea, City Attorney Montoy advised of the proper protocol to bring the matter back for reconsideration. Councilmember Calhoun clarified his vote would not be changing and made a motion to reconsider prior action to allow Councilmember Castillo to vote.

On motion of Councilmember Calhoun, seconded by President Perea, duly carried, RESOLVED, reconsideration of the **4:45 P.M. item** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

Interim Controller Quinto advised the taxicab industry routinely gave across the board discounts to the elderly, handicapped and students and she had been advised they would continue to do so whether or not rates were increased.

Brief discussion ensued on how staff could insure a process would be in place to routinely review rates and the ordinance, and Revenue Supervisor Molina, City Attorney Montoy and an industry representative responded to questions and/or comments of Councilmembers Castillo and Quintero relative to why the City regulated rates, if Council was interested in discussing deregulation, and the discounts given. Councilmember Boyajian reiterated he would liked to have seen phased-in rate increases.

On motion of Councilmember Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-278 hereby adopted, by the following vote:

Ayes	:	Castillo, Duncan, Ronquillo, Perea
Noes	:	Boyajian, Calhoun, Quintero
Absent	:	None

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**(1A-11)** APPROVE ADDITIONAL FUNDS FOR CONTRACT CHANGE ORDER NO. 3 FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AIRFIELD LIGHTING REMOTE CONTROL PROJECT UNDER FAA AIP GRANT

Transportation Director Hayes responded to questions of Councilmember Calhoun relative to the \$50,000 change order cost and contract compliance. Acting President Ronquillo briefly left the meeting at 6:22 p.m.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, Contract Change Order No. 3 with Nova Electric, Inc., increasing the contract cost by \$50,000 hereby approved, and the Public Works Director authorized to sign the change order on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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**(1A-14) \* RESOLUTION NO. 01-279 - 6<sup>TH</sup> AMENDMENT TO SALARY RES. 01-199 (1) CREATING THE CLASS OF ASSISTANT RETIREMENT ADMINISTRATOR, (2) ESTABLISHING A NEW SALARY RANGE FOR COUNCIL ASSISTANTS EQUIVALENT TO THE E-3 RANGE, (3) CREATING THE CLASS OF LABOR RELATIONS SPECIALIST, AND (4) AMENDING THE SALARY RATE OF DRUG ABUSE RESISTANCE EDUCATION (DARE) INSTRUCTOR**

Human Resources Manager Chavez responded to questions of Councilmember Castillo relative to the Labor Relation Specialist position and salary, difference between an analyst and a specialist, and number of DARE instructors. A motion and second was made to adopt the resolution. Acting President Ronquillo returned to the meeting at 6:28 p.m.

President Perea stated he did not support the creation of a Assistant Retirement Administrator and questioned if the issues could be voted upon separately. City Attorney Montoy spoke to Council's limited authority over the Retirement Boards and Retirement Administrator McDivitt advised of his duties and why an assistant was needed.

On motion of Councilmember Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-279 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

President Perea reiterated he opposed the creation of the Assistant Retirement Administrator.

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**(1A-15) \* RESOLUTION NO. 01-280 - 14<sup>TH</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$3,491,500 FOR COMPLETION OF THE DOWNTOWN FACILITIES PARKING PROJECT (MASTER PARKING AND FINANCING PLAN FOR DOWNTOWN)**

**a. \* RESOLUTION NO. 01-281 - 15<sup>TH</sup> AMENDMENT TO AAR 01-200 APPROPRIATING \$283,600 FOR THE MAINTENANCE OF LANDSCAPING AND STREETS OF RECENTLY ANNEXED SUBDIVISIONS ("BEHYMER-MAPLE NO. 3 REORGANIZATION")**

Councilmember Calhoun expressed concern and questioned why money was appropriated in fiscal year 2001 when it was known the work would not be completed that year adding he had never been with an institution that rolled money over from one year to the next, with Public Works Director Williamson and City Manager Hobbs responding on the process and related issues. Councilmember Quintero left at 6:34 p.m. and was absent for the remainder of the meeting.

A motion and second to adopt the resolutions was made and acted upon after brief discussion with Mr. Williamson responding to questions of Councilmembers Boyajian, Ronquillo, Duncan and President Perea relative to the time table for the parking project, if additional parking was going to be available and in time for the stadium opening, other sites staff was looking at for stadium parking, and the need for staff to be more aggressive in the acquisition of the Santa Fe property.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution Nos. 01-280 and 01-281 hereby adopted, by the following vote

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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**(2:00 P.M.) REORGANIZATION OF THE PUBLIC WORKS DEPARTMENT**

**1. \* RESOLUTION NO. 01-282 - 4<sup>TH</sup> AMENDMENT TO SALARY RES. 01-199 CREATING THE PUBLIC WORKS MANAGER AND ASSISTANT DIRECTOR OF PUBLIC WORKS CLASSES**

A motion and second was made to adopt the resolution, staff was commended on the issue, and Assistant City Manager Souza and City Manager Hobbs commented briefly and responded to questions relative to implementation date and the classes being created.

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-282 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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**CLOSED SESSION ANNOUNCEMENT**

City Attorney Montoy announced in the matter of **2:00 P.M. #3 "B-1"**, Claims of Barbara Hunt (6 claims), the Council voted 5-0 to deny the claims with Acting President Ronquillo and Councilmember Calhoun absent.

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**(2:00 P.M.#3) CLOSED SESSION: (CONTINUED FROM EARLIER)**

**(“A”) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:**

2. NEIL MANHA V. CITY OF FRESNO
3. HENRY MONREAL V. CITY OF FRESNO

**(“D”) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:**

1. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39 (LOCAL 39)
2. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKS LOCAL 100 (IBEW)
3. FRESNO POLICE OFFICERS ASSOCIATION (FPOA)

**(“E”) CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8 - PROPERTY: ONE PARCEL OF LAND, 3.6 ACRES OF CITY-OWNED PROPERTY AT THE SOUTHWEST CORNER OF W. HERNDON AND N. BRAWLEY AVENUES - NEGOTIATING PARTY: GARREKS, INC. (RALPH’S GROCERY) - UNDER NEGOTIATION: INSTRUCTIONS TO NEGOTIATOR WILL CONCERN PRICE AND TERMS OF PAYMENT**

The Council reconvened in closed session in Room 2125 at the hour of 6:47 p.m. to consider the above issues and adjourned thereafter.

**(“A-4”) (CHANGED FROM “B-2”) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: CITY OF FRESNO V. GARFIELD PARK HIGHLANDS, L.P., PR FARMS, ET AL. (SUGAR PINE TRAIL)**

Laid over to September 18, 2001.

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**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 7:42 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

**APPROVED** on the 18<sup>th</sup> day of September, 2001.

\_\_\_\_\_  
ATTEST:\_\_\_\_\_

\_\_\_\_\_  
Henry Perea, Council President

Yolanda Salazar, Assistant City Clerk



**138-100**

**8/28/01**